IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

FAO.No. 231 of 2007()

AS.68/2002 of ADDITIONAL DISTRICT COURT (ADHOC), PATHANAMTHITTA
OS.132/2000 of MUNSIFF COURT, RANNI
.....

APPELLANT/RESPONDENT/DEFENDANT

DR.E.N.NARAYANA PILLAI,
S/O NEELAKANTA PILLAI,
ANANTHA HOMEO HOSPITAL, PAZHAVANGADI VILLAGE,
RANNI TALUK, PATHANAMTHITTA.

BY ADV. SRI.JACOB P.ALEX

RESPONDENTS: APPELLANT/PLAINTIFF

ABRAHAM P.THOMAS,
S/O.THOMAS, PALANILKKUNNATHIL HOUSE,
EETTICHUVADU P.O., ANGADY MURI, ANGADY VILLAGE,
RANNI TALUK, PATHANAMTHITTA.

BY ADV. SRI.P.B.ASOKAN

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

F.A.O. No. 231 of 2007

Dated this the 3rd October, 2007.

J U D G M E N T

The defendant in O.S.No.132 of 2000, on the file of the Munsiff's Court, Ranni, is challenging the order of remand passed by the lower appellate court, by which it set aside the decree and judgment passed by the Trial Court, dismissing the suit filed by the respondent, and remanded the same for fresh disposal. The impugned judgmnet shows that in the appeal, the plaintiff as well as the defendant filed petitions to amend the pleadings. The plaintiff also filed a petition to admit additional documents. The Trial Court allowed those applications. The lower appellate court set aside the decree and judgment passed by the trial court, and remanded the suit along with the applications filed by both sides, for adducing evidence. In view of the facts and circumstances of the case, I do not find any reason to interfere with the finding of fact recorded by the lower appellate court. However, considering the facts of the case, I am of the view that it is only just and proper, that the trial court shall make every endeavor to settle the matter amicably, by referring the case to a Lok Adalath, before deciding the matter on its merits.

In the result, the appeal is dismissed, with a direction to the lower appellate court to explore the possibilities of settlement by placing the matter before the Lok Adalath, before disposing of the matter on its merits.

K.PADMANABHAN NAIR,
JUDGE

nj.